GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Sri A.Viswanatha Rao, former Junior Assistant (Retired), TUDA, Tirupati, Chittoor District - Disciplinary Proceedings instituted under Rule-20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Enquiry conducted – Show cause Notice issued - Penalty of 10% cut in pension permanently under Rule-9 of APRP Rules, 1980 – Imposed - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.III-2) DEPARTMENT

G.O.RT.No. 219 **Dated: 05-03-2018**

Read the following:-

1. G.O.Rt.No. 1265 MA&UD(Vig.II-2) Dept., dt. 30.09.2011.
2. G.O.Rt.No.75 MA&UD(Vig.II-2) Dept., dt.20.02.2016.
3. From the Inquiry Officer, Lr.Roc.No.354/2015/A2, dt.02.02.2017.
4. Govt. Memo No.18275/Vig.II-2/2011, dt.31.03.2017.
5. Written representation of Sri A. Viswanatha Rao, former Jr.Asst(Retd), TUDA, dt.29.04.2017.
6. Govt. Memo No.18275/Vig.II-2/2011, dt.22.08.2017.
7. Written representation of Sri A. Viswanatha Rao, former Jr.Asst(Retd), TUDA, dt.09.09.2017.
8. Govt. Memo No.18275/Vig.II-2/2011, dt.29.01.2018.
9. From the Secretary, APPSC, Vijayawada, Lr.No.82/ D C&C/2018, dt.19.02.2018.

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ORDER:

In the reference 1st read above, orders were issued framing the following articles of charges against Sri A.Viswanadha Rao, former Junior Assistant (Retd.), Tirupati Urban Development Authority (TUDA), Tirupati, Chittoor District under Rule-20 of Andhra Pradesh Civil Services Classification, Control and Appeal) Rules, 1991 for committing financial irregularities to an amount of Rs.5,15,000/ in TUDA, Tirupati, Chittoor District:-

Charge No.1 :

That Sri A.Viswanatha Rao, former Junior Assistant of TUDA while functioning as Assistant in Land Acquisition wing of TUDA during the period from 14.5.94 to 6.2.2004 has committed offence by colluding with Smt. G.Rajeswari, former Land Acquisition Officer, TUDA who has drawn an amount of Rs.5,15,000/- from the Savings Bank Account Number 582, State Bank of Travancore, Tirupati through the
11 self cheques for which she has not shown account in the Cash Accounts Register. All these cheques were written by Sri Viswanatha Rao, Junior Assistant who worked in Land Acquisition wing during the period.

Charge No.2 :

That the said Sri A.Viswanatha Rao, formerly Junior Assistant of TUDA, Tirupati while functioning as Junior Assistant in Land Acquisition wing of TUDA during the period from 14.5.94 to 6.2.2004 has committed that as per Rule 40 and 41 u/s VIII referring arrangement of file of District Office Manual, Revenue Department 1959 a person has to prepare Note file, every policy making issue except simple issues and must show the gist objects or aim or the purpose in the contents of the note for which or sought permission from the higher authorities to avoid any kind of ambiguity or misappropriation of funds and else. In this instant case Sri A.Viswanatha Rao, former Junior

Assistant while functioning as the only Assist in Land Acquisition section has grossly violated the stipulated procedural aspects of Note file preparation and not obtained written permission from the Land Acquisition Officer More over, especially matters pertaining to financial commitments have to be invariably obtained written permission to carry out any transactions i.e. preparation of bills, obtaining pass orders entry in the cash register etc., But he did not do so, Keeping all it aside he has simply went for the encashment of cheques. As he failed to follow the procedure, he has given an opportunity for the Land Acquisition Officer to draw the amount unofficially paying way for the misappropriation of Government funds.

Charge No.3 :

That during the aforesaid period and while functioning in the aforesaid Land acquisition wing of TUDA, Tirupati, the said the delinquent officer, the only Assistant in Land Acquisition wing should have suspected the act of the and Acquisition Officer when she asked him to draw the money from the bank without following the procedure or maintaining a file or making an entry in the Cash book etc., This inaction on the part of the Delinquent officer for which act has helped then Land Acquisition Officer for misappropriation of the Government funds.

Charge No.4 :

That during the aforesaid period and while functioning in the aforesaid Land acquisition wing of TUDA, Tirupati, the said Sri A Viswanatha Rao as assistant, working in Land Acquisition wing should have brought to the notice of the Vice-Chairman. TUDA who is the appointing authority and the Head of the Department, the action of the Land Acquisition Officer when she asked him to draw the amount without following the procedure and suppressed the facts and helped the Land Acquisition Officer to draw more cheques. He should have informed the fact immediately when the first cheque was drawn. As he suppressed the facts, it has given an opportunity to the Land Acquisition Officer to go for drawing of the 2nd and subsequent cheques. If he has informed the fact at the first instant there would be no chance for her to go for his 2nd cheque for further drawn.

Charge No.5 :

That during the period and while functioning in the aforesaid Land Acquisition wing of TUDA, Tirupati the said Sri A.Viswanatha Rao as Assistant working in Land Acquisition wing has to question the Land Acquisition Officer when all the cheques were drawn on 'Self' and the cheque bearing No. 7410, dated 20.12.2003 for Rs.5000/- was drawn in the name of himself If the above amount is not meant for him, the Land Acquisition Officer might have drawn the cheque on "Self" as usual. If the amount was not taken by Land Acquisition Officer, he has to account for the amount for which purpose the amount is given to him with relevant receipts.

2. Even after lapse of stipulated time, the charged officer has not submitted his written statement of defence in the matter. After examination of the matter, Government have appointed Inquiry Authority to enquire into the charges framed against Sri A. Viswanatha Rao, former Junior Assistant Assistant (Retd), TUDA in the reference 2nd read above.

3. In the reference 3rd read above, the Enquiry Officer has submitted her enquiry report and held that all charges were proved against Sri A. Viswanatha Rao, former Junior Assistant(Retd), TUDA during the enquiry. In the reference
4th read above, a copy of inquiry report has been communicated to the charged officer for offering his written representation in terms of Rule 21(2)

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of APCS(CCA) Rules, 1991. In the reference 5th read above, Sri A. Viswanatha Rao, former Junior Assistant(Retd) in his written representation while stating among others, has requested the Government to drop further action in the matter.

4. After examination of the matter, Government have provisionally decided to impose a penalty of 10% cut in his monthly pension permanently against Sri A.Viswanatha Rao, former Junior Assistant(Retd.), TUDA, Tirupati, Chittoor District in terms of Rule-9 of A.P. Revised Pension Rules, 1980. Accordingly, a show cause notice has been issued to him as to why a penalty of 10% cut in his monthly pension permanently shall not be imposed against on him under Rule-9 of A.P. Revised Pension Rules, 1980 in the reference 6th read above.

5. In the reference 7th read above, Sri A.Viswanatha Rao, former Junior Assistant (Retd.), TUDA has stated that the Hon'ble 2nd Additional Judicial Magistrate of 1st Class Magistrate, Tirupati in its judgement order dated.16.04.2013 while pronouncing the judgement has stated that the said misappropriated amount of Rs.5,15,000/- has been remitted by Smt. G. Rajesweri, former LAO, TUDA(A1) to TUDA in two phases on 05.02.2007 and 13.05.2008. Finally, concluded that Smt.G. Rajesweri, former LAO, TUDA found guilty and Sri A.Viswanatha Rao, former Junior Assistant(Retd) (A2) found not guilty and therefore requested to do justice by withdrawing the proposed penalty keeping in view of the judgment pronounced by the Hon'ble Court.

6. Government, after examination of the enquiry report and the written representation of the retired charged officer and confirming proposed penalty have addressed to the Secretary, APPSC., Vijayawada to convey their concurrence to the penalty proposed in the reference 8th read above. In the reference 9th read above, the Secretary, APPSC, Vijayawada has stated that the Commission has agreed to the above proposal of the Government i.e., to impose the punishment of 10% cut in pension permanently against Sri A.Viswanatha Rao, former Junior Assistant (Retd.), TUDA., Tirupati.

7. After careful examination of the matter, Government hereby impose a penalty of 10% (Ten percent) cut in monthly pension permanently against Sri A.Viswanatha Rao, former Junior Assistant(Retd.), TUDA., Tirupati, Chittoor District in terms of Rule-9 of A.P. Revised Pension Rules, 1980.

8. The Vice-Charman, TUDA, Tirupati, Chittoor District shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN,
PRINCIPAL SECREARY TO GOVERNMENT

To
Sri A.Viswanatha Rao, former Junior Assistant(Retd.),
TUDA., Tirupati, Chittoor District **through** the Vice-Chairman, TUDA., Tirupati,
Chittoor District.
The Vice Chairman, TUDA., Tirupati, Chittoor District.

Copy to:
The A.P.Vigilance Commission, A.P.Secretariat, Velapapudi,
Amaravati.
The APPSC, A.P., Vijayawada.

The Principal Accountant General(A&E), AP, Hyderabad.
Sf/Sc.//

FORWARDED BY ORDER //

SECTION OFFICER